

565-06/GMV  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NORTON MCNAUGHTON OF SQUIRE,  
INC., JONES APPAREL GROUP, INC.,

Plaintiffs,

-against -

M/V MARGRETHE MAERSK, *in rem*, Maersk  
Line, Maersk Sealand,

Defendants

07 CV 3716 (RWS)

**NOTICE OF MOTION FOR  
FOR SUMMARY JUDGMENT  
PURSUANT TO RULE 56**

PLEASE TAKE NOTICE that upon the annexed Declaration of Massoud Messkoub, the attachments thereto, the Memorandum of Law in Support hereof, the Defendant's Statement of Uncontested Material Facts, and the pleadings and discovery responses in this matter, Defendant A.P. Moller-Maersk A/S ("Maersk") will move this Court before the Honorable Robert W. Sweet, at the United States Courthouse, 500 Pearl Street, New York, New York, on the **28<sup>th</sup> day of November 2007 at 12:00 noon**, or as soon thereafter as counsel can be heard, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment limiting Plaintiffs' damages to \$500.00 per package (a total of \$1,000.00), based upon the package limitation provisions of the United States Carriage of Goods by Sea Act, and the provisions of

Maersk's Bill of Lading, and for such other, further or different relief as may deem just and proper.

Pursuant to the Court's Local Rules, any opposing affidavits and answering memoranda shall be served by November 19, 2007, and any reply by November 26, 2007.

Dated: New York, New York  
November 5, 2007

BY:

  
FRIEHL HOGAN & MAHAR, LLP  
Attorneys for Defendant MAERSK

GINA M. VENEZIA (GV 1551)  
WILLIAM J. PALLAS (WP 6201)  
80 Pine Street  
New York, New York 10005  
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TO: DUANE MORRIS LLP  
Attorneys for Plaintiffs  
744 Broad Street, Suite 1200  
Newark, New Jersey 07102  
Attention: Alissa M. Ryder  
(973) 424-2000

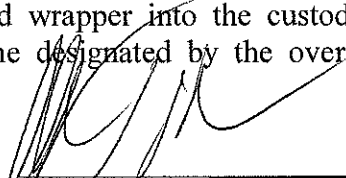
STATE OF NEW YORK :  
: ss.:  
COUNTY OF NEW YORK :

I, WILLIAM J. PALLAS, being duly sworn say:

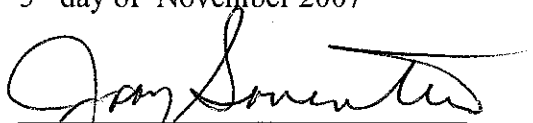
I am not a party to the action, am over 18 years of age and reside at 80 Pine Street, New York, New York 10005. On November 5, 2007, I served the within **NOTICE OF MOTION, DECLARATION, MEMORANDUM OF LAW and STATEMENT OF UNCONTESTED MATERIAL FACTS** upon:

Duane Morris LLP  
744 Broad Street  
Suite 1200  
Newark, New Jersey 07102  
Attn: Alissa M. Ryder

at the above address(es) designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a properly addressed wrapper into the custody of Federal Express for overnight delivery, prior to the latest time designated by the overnight delivery service for overnight delivery.

  
\_\_\_\_\_  
William J. Pallas

Sworn to before me on the  
5<sup>th</sup> day of November 2007

  
\_\_\_\_\_  
Notary Public

**JOAN SORRENTINO**  
Notary Public, State of New York  
No. 01SO6067227  
Qualified in New York County  
Commission Expires December 3, 2009